mpt IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7403 of 2007

Rajaram Jalindar Zende .. Petitioner

versus

Vilas Sitaram Jadhav & ors. .. Respondents

...

Mr.A.M. Kulkarni for the petitioner.

Mr.R.D. Rane, G.P. for the respondent nos.3 and 5.

CORAM : S.B. MHASE AND

D.G.KARNIK, JJ

DATED : 4th October 2007

P.C.:

1. Heard learned counsel for the petitioner.

2. By this petition, the petitioner challenges the acceptance of the nomination paper of respondent no.1 for election to the post of a member of a Gram Panchayat.

3. Election process has already commenced and petitioner has a remedy by way of an Election

Petition after the result of the election. Secondly, under Article 243-O of the Constitution of India, no stay for election process can be granted. Thirdly, the question whether the respondent no.1 has a third child born on 6th October 2001 is a disputed question of fact. Respondent no.1 himself had contended that the child was born on 6th July 2001. Such disputed questions of fact cannot be decided in exercise of a writ jurisdiction.

4. In the circumstances, Writ Petition is rejected summarily.

(D.G. KARNIK, J) (S.B. MHASE, J)